IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.MC.No. 696 of 2007()

CC.414/2006 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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PETITIONER:

DR.PRAMOD A.T., AGED 35 YEARS,
S/O. T.ARUNACHALAM, "SIVAKAMI", H-8, AMRITHA NAGAR
KAIMANAM, PAPPANAMCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY
SRI.A.RATHEESH

RESPONDENTS:

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1. JOLLY MARY.E., AGED 27 YEARS,
D/O. EDWIN, ATHAM, TC-13/151, NALIMUKKU,
PETTAH P.O., THIRUVANANTHAPURAM.

2. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.M.R.RAJESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. M.C. NO. 696 of 2007

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Dated, this the 19th day of March 2007

ORDER

In this petition filed by the husband seeks to quash Annexure A charge against the first respondent wife for an offence punishable under Section 498 A I.P.C.

2. Sri. M.r. Rajesh appearing on behalf of the first respondent wife confirmed the submission made on behalf of the petitioner that the matrimonial partners have settled the matter as per Annexure B agreement. If so, in the light of the decision of the apex court in ***B.S. Joshi v. State of Haryana - 2003 (4) SCC 675*** and that of this Court in ***Rajan Vs. Little House Marketing Pvt. Ltd. - 2005 (4) KLT 595*** this will be an abuse of the process of the court to allow the prosecution to continue. Accordingly, Annexure A charge for an offence punishable under Sec. 498 A is quashed. Resultantly, all proceedings on the file of the Addl. Chief Judicial Magistrate, Thiruvananthapuram in C.C. 414 of 2006 will also stand quashed.

This Crl.M.C. is allowed accordingly.

V. RAMKUMAR,
(JUDGE)

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